

Notice of Allowability

Application No.

09/715,837

Examiner

Yogesh C. Garg

Applicant(s)

GUPTA, PIYUSH

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE and IFS received on 3/24/06.
2. ☒ The allowed claim(s) is/are 1-17 and 34-36.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 3/24/2006
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
- ☐ Examiner's Amendment/Comment
- ☒ Examiner's Statement of Reasons for Allowance
- ☐ Other _____

Yogesh C. Garg
Primary Examiner

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 3/24/2006 in the form of IDS has been entered.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 3/24/2006 along with the RCE has been considered by the examiner.

Allowable Subject Matter

3. Claims 1-17 and 34-36 are allowed. Claims 1, 35 and 36 are independent. Claims 2-17 and 34 are dependencies of claim 1.

Reasons for Allowance

4. The following is an examiner's statement of reasons for allowance:

Claims 1-17 & 34-36

The prior art of record neither anticipates nor renders obvious all the method steps as one whole online auction comprising, listing a set of available products to a set of consumers via a Web page of a Web server for online auction, accepting a request for

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a specific product from a particular consumer via the Web page over a network, accepting a reserve price for said specific product from said particular consumer, said reserve price comprising a price acceptable to said particular consumer, distributing said request for said specific product and said reserve price to a set of sellers over the network, accepting at most one offer from each said seller in said set of sellers, each said offer comprising an offer price specifying a price at which an associated seller will sell said specific product, said accepting occurring for a predetermined time period or until an offer having an offer price less than or equal to said reserve price is received, if there is only one offer having an offer price less than or equal to the reserve price, consummating, without intervention from the consumer, a transaction with said offer having an offer price less than or equal to said reserve price if said offer having an offer price less than or equal to the reserve price is received, if there are multiple offers having an offer price less than to the reserve price, presenting to the consumer the multiple offers sorted in a predetermined order to allow the consumer to select one offer from the multiple offers, consummating a transaction with an offer selected by the consumer if the consumer selects from the multiple offers, and consummating a transaction with an offer having a lowest price from the multiple offers if the consumer does not select from the multiple offers (see independent claims 1, 35 and 36).

Applicant's remarks (see pages 10- 14) in the amendment received on 10/11/2005 are compelling and commensurate with the original disclosure (see Fig.3C and pages 21-22).

5. Discussion of most relevant prior art:

The following references have been identified as most relevant prior art to the claimed invention(s).

The most closely applicable prior art of record is referred to the combined teachings of Walker et al. (US Patent 5,794,207), Rackson et al. (US Patent 6,415,270) and Walker et al. (US Patent 6,108,639) .

Walker et al. (US Patent 5,794,207) discloses a method and apparatus for prospective buyers of goods or services to communicate a CPO, that is a binding purchase offer globally online specifying his requirements to potential sellers, such that a seller can bind a buyer to a contract based on the buyer's purchase offer (see at least col.8, line 26-col.11, line 3). Walker et al. (US Patent 5,794,207), alone or in combination with another prior art fails to anticipate or render obvious the application's above-mentioned underlined unique features(s) of the claimed invention as a whole.

Rackson et al. (US Patent 6,415,270) discloses a method and apparatus, similar to Walker et al. above that is allowing a buyer to specify parameters to enable sellers bid for his requirements such that seller offers are received lower than the reserve price (see at least Abstract and col.22, lines 49-67) . Rackson et al. also discloses replicating optimal bid at each of the remote auction services so that all participating buyers and sellers could view that (see Abstract). Rackson et al. alone or in combination with another prior art fails to anticipate or render obvious the application's above-mentioned underlined unique features(s) of the claimed invention as a whole.

Walker et al. (US Patent 6,108,639) discloses a method and apparatus for prospective buyers of goods or services to communicate a CPO, that is a binding purchase offer globally online specifying his requirements to potential sellers, such that a seller can bind a buyer to a contract based on the buyer's purchase offer (see at least abstract) and also discloses a condition for buyer to accept a seller's offer, which is

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lower or equal to the reserve price, in a predetermined time (see at least col.11, lines 13-53). Walker et al. (US Patent 6,108,639), alone or in combination with another prior art fails to anticipate or render obvious the application's above-mentioned underlined unique features(s) of the claimed invention as a whole.

Applicant's remarks (see pages 10- 14) in the amendment received on 10/11/2005 are compelling in stating that none of the above three cited references alone or in combination with another prior art anticipates or renders obvious the application's above-mentioned underlined unique features(s) of the claimed invention as a whole.

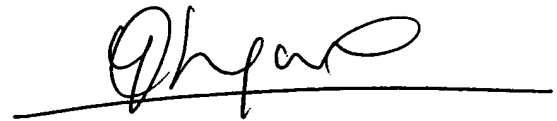
6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C. Garg whose telephone number is 571-272-6756. The examiner can normally be reached on M-F(8:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Yogesh C Garg', is written over a solid horizontal line.

Yogesh C Garg
Primary Examiner
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YCG
5/3/2006